

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF ALVIN COLE, et al.,

Plaintiff,

Case No.: 22-CV-856

v.

JOSEPH ANTHONY MENSAH,

Defendant.

PLAINTIFFS' OBJECTION TO DEFENDANT'S EXHIBIT LIST (ECF 79)

Plaintiffs, the Estate of Alvin Cole, by and through his attorneys, Cade Law Group LLC and Motley Legal Services, objects to portions of Defendant's Exhibit List, filed March 16, 2025. (ECF 79.)

Plaintiffs object to the introduction of the following exhibits on Defendant's newly filed Exhibit List because, as of the filing of this objection, Plaintiff has never been provided with copies of the exhibits or even reference to the existence of such documents through discovery.

Defendant Exhibit Number	Description
1039	Autopsy Photo 1-43 ¹
1040	Autopsy Photo 1-69
1041	Autopsy Photo 1-44

¹ Although both parties have included autopsy photos on their exhibit lists, the photos from Defendant are **brand new and have never been disclosed to Plaintiff**. Plus, Defendant objected to Plaintiff's use of autopsy photos claiming that Cole's injuries are "irrelevant" in determining Mensah's excessive force. See ECF 64, p. 3. It is suspicious that defense counsel initially wished to exclude such photos but magically produced brand new autopsy photos on the eve of trial. See ECF 79.

1042	Autopsy Photo 1-73
1043	Autopsy Photo 1-72
1044	Autopsy Photo 1-47
1045	Autopsy Photo 1-45
1046	Autopsy Photo 1-57
1047	Autopsy Photo 1-56
1048	Autopsy Photo 1-37
1049	Autopsy Photo 1-38
1050	Autopsy Photo 1-61
1051	Autopsy Photo 1-84
1052	Autopsy Photo 1-35 (forehead abrasions)
1053	Sarah Hopkins Written Statement
1055	Sarah Hopkins Photo
1067	Knetzger CV

Shockingly, in addition to the above exhibits identified on ECF 79, Defendant has recently produced additional exhibits via a separate hard drive—due to continual issues with a shared DropBox link not allowing Plaintiff access to certain exhibits—that have never been disclosed to Plaintiff prior to the late afternoon of March 13. Not to mention that none of the exhibits were labeled properly with an appropriate exhibit number. The following exhibits do not appear on Defendant’s Exhibit List, nor has Plaintiff ever believed them to exist at all:

DOCS from BROOKFIELD PD (Open Records)

1. Extraction 1.1 AOA Witness Video
2. Extraction Witness Interview
3. AOA Perimeter - Supposedly of Albert Cole at Cheesecake
4. Body Camera Video of them perform CPR
5. Written Statement of Sarah Hopkins
6. Incident Report of Sarah Hopkins
7. Video of First Responders near the fence after Alvin Cole was removed

DOCS from MPD (Open Records)

1. 150180009
2. 150180009
3. 153000162
4. 160330137
5. 160500093
6. 190740050
7. 193630083

The sudden arrival of voluminous documents is troublesome. Despite the parties engaging in thorough discovery, the above exhibits have never once been produced to Plaintiffs. It is assumed that Defendant will claim that the above “exhibits” were recently delivered via an open records request from Wirth + Baynard in January-February 2025. The records were released in mid-February, and well before the pretrial conference. Defense counsel had ample opportunity to amend their list and disclose newly discovered materials with Plaintiff. Yet, the defense failed to abide by their duty to supplement discovery pursuant to Fed. R. Civ. P. 37. Any use or introduction of them would be highly prejudicial and are an attempt to surprise the Plaintiff on the eve of trial.

WHEREFORE, Plaintiff objects to the use or introduction of any of the above exhibits and questions defense counsel’s tactics in failing to abide by Fed. R. Civ. P. 37, as well as decent decorum in preparation for trial.

Respectfully submitted this 16th day of March, 2025.

CADE LAW GROUP LLC

By: /s/ Annalisa Pusick
Nathaniel Cade, Jr. SBN: 1028115
Annalisa Pusick SBN: 1116379
P.O. Box 170887
Milwaukee, WI 53217
(414) 255-3802 (phone)
(414) 255-3804 (fax)
nate@cade-law.com
annalisa@cade-law.com

MOTLEY LEGAL SERVICES

Kimberley Motley, SBN: 1047193
P.O. Box 1433
Matthews, North Carolina 28106
(704) 763-5413 (phone)
(704) 909-4100
kmotley@motleylegal.com